

United States Bankruptcy Court  
Middle District of Pennsylvania

In re:  
Yeheya Zakaria Osman  
Debtor

Case No. 18-05215-RNO  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0314-5

User: REshelman  
Form ID: pdf002

Page 1 of 1  
Total Noticed: 9

Date Rcvd: Jan 31, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 02, 2019.

db +Yeheya Zakaria Osman, 850 Keene Way, Sciota, PA 18354-7755  
5140387 +FEDERAL NATIONAL MORTGAGE ASSN, 14221 DALLAS PARKWAY STE 100, DALLAS, TX 75254-2951  
5140388 ++FIRST HORIZON HOME LOANS, 6363 N STATE HWY 161, SUITE 300, IRVING TX 75038-2231  
(address filed with court: FIRST HORIZON HOME LOANS, 4000 HORIZON WAY, IRVING, TX 75063)  
5147569 +First Tennessee Bank National Assoc., successor thru merger, et al c/o Law,  
Office of Gregory Javardian, LLC, 1310 Industrial Blvd., Suite 101,  
Southampton, PA 18966-4030  
5140389 +MCCABE WEISBERG & CONWAY, 123 SOUTH BROAD STREET, SUITE 1400, PHILADELPHIA, PA 19109-1060  
5141860 +MTGLQ Investors, L.P, c/o 123 South Broad Street, Suite 1400, Philadelphia, PA 19109-1060  
5146782 +SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284  
5140390 SANTANDER CONSUMER USA, ATTN BANKRUPTCY DEPT, PO BOX 560284, DALLAS, TX 75356-0284  
5140391 +SETERUS INC, ATTN: BANKRUPTCY DEPT, PO BOX 1047, HARTFORD, CT 06143-1047

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 02, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 31, 2019 at the address(es) listed below:

Ann E. Swartz on behalf of Creditor MTGLQ Investors, L.P. [ecfmail@mwc-law.com](mailto:ecfmail@mwc-law.com),  
[ecfmail@ecf.courtdrive.com](mailto:ecfmail@ecf.courtdrive.com)  
Charles J DeHart, III (Trustee) [TWecf@pamd13trustee.com](mailto:TWecf@pamd13trustee.com)  
Mary F Kennedy on behalf of Creditor First Tennessee Bank National Association  
[mary@javardianlaw.com](mailto:mary@javardianlaw.com), [tami@javardianlaw.com](mailto:tami@javardianlaw.com)  
United States Trustee [ustpreion03.ha.ecf@usdoj.gov](mailto:ustpreion03.ha.ecf@usdoj.gov)  
Vincent Rubino on behalf of Debtor 1 Yeheya Zakaria Osman  
[lhochmuth@newmanwilliams.com](mailto:lhochmuth@newmanwilliams.com); [mdaniels@newmanwilliams.com](mailto:mdaniels@newmanwilliams.com); [bsmale@newmanwilliams.com](mailto:bsmale@newmanwilliams.com); [lbeaton@newmanwilliams.com](mailto:lbeaton@newmanwilliams.com); [EAP-VR@outlook.com](mailto:EAP-VR@outlook.com); [rkidwell@newmanwilliams.com](mailto:rkidwell@newmanwilliams.com)

TOTAL: 5

IN RE:  
YEHEYA ZAKARIA OSMAN,  
aka YEHEYA Z. OSMAN,  
aka YEHEYA OSMAN,

<u>X</u>	ORIGINAL PLAN
<u>    </u>	AMENDED PLAN (Indicate 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , etc.)
<u>1</u>	Number of Motions to Avoid Liens
<u>1</u>	Number of Motions to Value Collateral

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
01/2019	12/2023	\$392.00	N/A	\$392.00	\$23,520
				<b>Total Payments:</b>	<b>\$23,520</b>

2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all post-petition mortgage payments that come due before the initiation of conduit mortgage payments.

3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.

4. CHECK ONE: ( X ) Debtor is at or under median income. *If this line is checked, the rest of § 1.A.4 need not be completed or reproduced.*

( ) Debtor is over median income. Debtor estimates that a minimum of \$\_\_\_\_\_ must be paid to allowed unsecured creditors in order to comply with the Means Test.

#### **B. Additional Plan Funding From Liquidation of Assets/Other**

1. The Debtor estimates that the liquidation value of this estate is 100% to approved unsecured claims. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

*Check one of the following two lines.*

X  No assets will be liquidated. *If this line is checked, the rest of § 1.B need not be completed or reproduced.*

\_\_\_\_\_ Certain assets will be liquidated as follows:

2. In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of \$\_\_\_\_\_ from the sale of property known and designated as \_\_\_\_\_. All sales shall be completed by \_\_\_\_\_, 20\_\_\_\_. If the property does not sell by the date specified, then the disposition of the property shall be as follows: \_\_\_\_\_.

3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows: \_\_\_\_\_

## 2. SECURED CLAIMS.

### A. Pre-Confirmation Distributions. Check one.

X None. If "None" is checked, the rest of § 2.A need not be completed or reproduced.

\_\_\_\_\_ Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a proof of claim has been filed as soon as practicable after receipt of said payments from the Debtor.

Name of Creditor	Last Four Digits of Account Number	Estimated Monthly Payment

1. The Trustee will not make a partial payment. If the Debtor makes a partial plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor's cure of this default must include any applicable late charges.
2. If a mortgagee files a notice pursuant to Fed. R. Bankr. P. 3002.1(b), the change in the conduit payment to the Trustee will not require modification of this plan.

### B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor. Check one.

\_\_\_\_\_ None. If "None" is checked, the rest of § 2.B need not be completed or reproduced.

X Payments will be made by the Debtor directly to the creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
Seterus, Inc.	850 Keene Way, Sciota, PA 18354	7695
Santander Consumer USA	2016 Hyundai Sonata	3946

**C. Arrears, including, but not limited to, claims secured by Debtor's principal residence.**  
*Check one.*

☐ None. *If "None" is checked, the rest of § 2.C need not be completed or reproduced.*

☒ The Trustee shall distribute to each creditor set forth below the amount of arrearages in the allowed proof of claim. If post-petition arrears are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the creditor as to that collateral shall cease, and the claim will no longer be provided for under § 1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre-petition Arrears to be Cured	Estimated Post-petition Arrears to be Cured	Estimated Total to be paid in plan
Seterus, Inc.	850 Keene Way, Sciota, PA 18354	\$17,869.46	\$0.00	\$17,869.46

**D. Other secured claims (conduit payments, claims for which a § 506 valuation is not applicable, etc.)**

☒ None. *If "None" is checked, the rest of § 2.D need not be completed or reproduced.*

☐ The claims below are secured claims for which a § 506 valuation is not applicable, and can include: (1) claims that were either (a) incurred within 910 days of the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or (b) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value; (2) conduit payments; or (3) secured claims not provided for elsewhere.

1. The allowed secured claims listed below shall be paid in full and their liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under § 1328 of the Code.
2. In addition to payment of the allowed secured claim, present value interest pursuant to 11 U.S.C. § 1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the court will determine the present value interest rate and amount at the confirmation hearing.
3. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Principal Balance of Claim	Interest Rate	Total to be Paid in Plan
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**E. Secured claims for which a § 506 valuation is applicable. Check one.**

☐ None. If "None" is checked, the rest of § 2.E need not be completed or reproduced.

☒ Claims listed in the subsection are debts secured by property not described in § 2.D of this plan. These claims will be paid in the plan according to modified terms, and liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under § 1328 of the Code. The excess of the creditor's claim will be treated as an unsecured claim. Any claim listed as "\$0.00" or "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. The liens will be avoided or limited through the plan or Debtor will file an adversary action (select method in last column). To the extent not already determined, the amount, extent or validity of the allowed secured claim for each claim listed below will be determined by the court at the confirmation hearing. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Value of Collateral (Modified Principal)	Interest Rate	Total Payment	Plan, Adversary or Other Action
First Horizon	850 Keene Way, Sciota, PA 18354	No value.	N/A	Zero	Plan

**F. Surrender of Collateral. Check one.**

☒ None. If "None" is checked, the rest of § 2.F need not be completed or reproduced.

☐ The Debtor elects to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor requests that upon confirmation of this plan or upon approval of any modified plan the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under §1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 4 below.

Name of Creditor	Description of Collateral to be Surrendered

**G. Lien Avoidance. Do not use for mortgages or for statutory liens, such as tax liens. Check one.**

☒ None. If "None" is checked, the rest of § 2.G need not be completed or reproduced.

\_\_\_\_ The Debtor moves to avoid the following judicial and/or nonpossessory, non-purchase money liens of the following creditors pursuant to § 522(f) (this § should not be used for statutory or consensual liens such as mortgages).

Name of Lien Holder.			
Lien Description. (For a judicial lien, include court and docket number.)			
Description of the lien property.			
Liened Asset Value			
Sum of Senior Liens			
Exemption Claimed			
Amount of Lien			
Amount Avoided			

### 3. PRIORITY CLAIMS.

#### A. Administrative Claims

1. Trustee's Fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.
2. Attorney's fees. Complete only one of the following options:
  - a. In addition to the retainer of **\$500.00** already paid by the Debtor, the amount of **\$3,500.00** in the plan. This represents the unpaid balance of the presumptively reasonable fee specified in L.B.R. 2016-2(c); or
  - b. \$\_\_\_\_\_ per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between the Debtor and the attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to L.B.R. 2016-2(b).
3. Other. Other administrative claims not included in §§ 3.A.1 or 3.A.2 above.  
*Check one of the following two lines.*

  X   None. *If "None" is checked, the rest of § 3.A.3 need not be completed or reproduced.*

\_\_\_\_ The following administrative claims will be paid in full.

Name of Creditor	Estimated Total Payment

**B. Priority Claims (including certain Domestic Support Obligations)** *Check one of the following two lines.*

☐ Allowed unsecured claims, entitled to priority under § 1322(a) will be paid in full unless modified under § 9.

Name of Creditor	Estimated Total Payment

**C. Domestic Support Obligations assigned to or owed to a governmental unit under 11 U.S.C. §507(a)(1)(B).** *Check one of the following two lines.*

☒ None. *If "None" is checked, the rest of § 3.C need not be completed or reproduced.*

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim. *This plan provision requires that payments in § 1.A. be for a term of 60 months (see 11 U.S.C. §1322(a)(4)).*

Name of Creditor	Estimated Total Payment

**4. UNSECURED CLAIMS**

**A. Claims of Unsecured Nonpriority Creditors Specially Classified.** *Check one of the following two lines.*

☒ None. *If "None" is checked, the rest of § 4.A need not be completed or reproduced.*

☐ To the extent that funds are available, the allowed amount of the following unsecured claims, such as co-signed unsecured debts, will be paid before other, unclassified, unsecured claims. The claim shall be paid interest at the rate stated below. If no rate is stated, the interest rate set forth in the proof of claim shall apply.

Name of Creditor	Reason for Special Classification	Estimated Amount of Claim	Interest Rate	Estimated Total Payment

**B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.**

**5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.** *Check one of the following two lines.*



- X None. If "None" is checked, the rest of § 5 need not be completed or reproduced. \_\_\_  
 \_\_\_ The following contracts and leases are assumed (and arrears in the allowed claim to be cured in the plan) or rejected:

Name of Creditor	Description of Contract or Lease	Monthly Payment	Interest Rate	Estimated Arrears	Total Plan Payment	Assume or Reject

## 6. VESTING OF PROPERTY OF THE ESTATE.

Property of the estate will vest in the Debtor upon

Check the applicable line:

- \_\_\_ plan confirmation.  
 \_\_\_ entry of discharge.  
X closing of case:

## 7. DISCHARGE: (Check one)

- (X) The debtor will seek a discharge pursuant to § 1328(a).  
 ( ) The debtor is not eligible for a discharge because the debtor has previously received a discharge described in § 1328(f).

## 8. ORDER OF DISTRIBUTION:

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the plan will be made by the Trustee in the following order:

Level 1	Adequate protection payments	\$ -0-	
Level 2	Debtor's attorney's fees.	\$ 3,500.00	
Level 3	Domestic Support Obligations	\$ -0-	
Level 4	Priority claims, pro rata	\$ -0-	
Level 5	Secured claims, pro rata	\$17,869.46	
Level 6	Specially classified unsecured claims	\$ -0-	
Level 7	General unsecured claims	\$ -0-	
Level 8	Untimely filed unsecured claims to which the debtor(s) has/have not objected.	\$ -0-	
	Subtotal		\$21,369.46
	Trustee Commission (Estimated at 8%)	\$ 2,150.54	
	Total		\$23,520.00

*If the above Levels are filled in, the rest of § 8 need not be completed or reproduced.* If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:

Level 1: Adequate protection payments.

Level 2: Debtor's attorney's fees.

Level 3: Domestic Support Obligations.

Level 4: Priority claims, pro rata.

Level 5: Secured claims, pro rata.

Level 6: Specially classified unsecured claims.

Level 7: Timely filed general unsecured claims.

Level 8: Untimely filed general unsecured claims to which the Debtor has not objected.

## 9. NONSTANDARD PLAN PROVISIONS

**Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)**

- (a) (i) The second lien position mortgage of **First Horizon Home Loans**, its successors, predecessors and assigns, hereinafter referred to as "Lender", is being avoided via this Plan. Debtor was provided information indicating the mortgage lien of lender would be voluntarily satisfied and the loan amount forgiven. However, the second mortgage lien remains of record with the Monroe County Recorder.

(ii) Upon confirmation of this Plan the the junior lien held by Lender shall be deemed satisfied and released without further Order of this Court, provided that:

(A) The avoidance of Lender's junior lien is contingent upon the Debtor's completion of the Chapter 13 Plan and receipt of a Chapter 13 Discharge.

(B) Upon receipt of the Debtors' Chapter 13 discharge and completion of Debtors' Chapter 13 Plan, Lender shall within a reasonable time arrange to have the second lien position mortgage marked "satisfied" with the Monroe County Recorder of Deeds'

(C) Lender shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the case to another Chapter under the United States Bankruptcy Code.

(iii) The Confirmation Order and Discharge Order may be filed with the Recorder of Deeds in and for Monroe County, Pennsylvania, which shall satisfy and avoid the mortgage held by Lender against the Property, as recorded at **Monroe County Record Book Volume 2262, Page 9746**.

Dated: 12/4/18

/s/ Vincent Rubino  
VINCENT RUBINO, ESQ., Attorney for Debtor

/s/ Yeheya Zakaria Osman  
Yeheya Zakaria Osman, Debtor

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in § 9.